

Applicant: Magdalena Martinez

Agent: Garcia/Kraemer & Assoc.

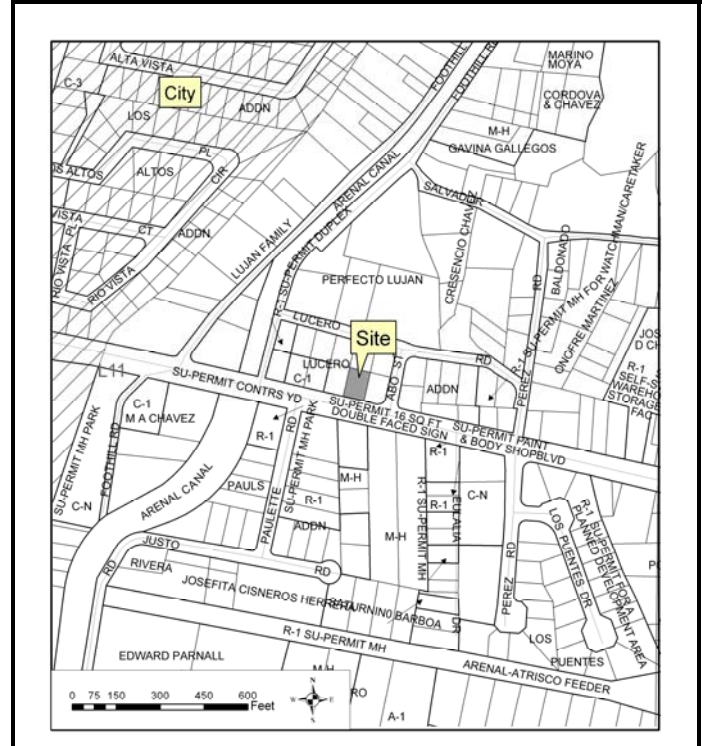
Location: Bridge Boulevard SW

Property Size: .17 acres (approximately)

Existing Zone: R-1

Proposed Request: C-1

Recommendation: Denial



Summary: The applicant is requesting a zone map amendment from R-1 to C-1 for approximately .17 acre parcel of land located on the north side of Bridge Boulevard between Abo Street SW and the Arenal Canal. The site is currently vacant and the applicant anticipates developing the property with a tire repair and sale business.

The site is located in the Established Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Five (5) of the Southwest Area Plan.

This request was deferred from the November 7, 2007 County Planning Commission hearing at the request of the applicant.

Staff Planner: Adella Gallegos, Associate Program Planner

Attachments: 1. Application
2. Land Use Map

Bernalillo County Departments and other interested agencies reviewed this application from 9/25/07 to 10/15/07. Agency comments are verbatim and were used in preparation of this report, which being on page 11.

AGENDA ITEM NO.: 18
County Planning Commission
January 9, 2008

CZ-70022 Garcia/Kraemer & Associates, agent for Magdalena Martinez, requests a zone map amendment from R-1 to C-1 on Lot 18, Lucero Addition, located on the north side of Bridge Boulevard SW between Old Coors Road SW and Abo Street, approximately 70 feet west of Abo Street, and containing approximately .17 acres. (L-11) (DEFERRED FROM THE NOVEMBER 7, 2007 HEARING)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

| Site | Zoning | Land Use |
|--------------|--|--|
| | R-1 | Vacant |
| North | R-1 | Residential Dwellings |
| South | R-1, M-H and R-1 with a Special Use Permit for a Mobile Home Park and an expired Special Use Permit for a Contractor's Yard | Residential Dwellings, Mobile Homes and a Contractor's Yard in violation w/the parking of two large commercial trucks in a residential zone. |
| East | R-1 | Residential Dwellings |
| West | R-1, C-1, and R-1 with a Special Use Permit for a Mechanic Shop and the Watchman Caretaker and a Special Use Permit for a Duplex | Vacant parking lot, an electric auto transmission Shop, a duplex and a private club |

BACKGROUND:

The Request

The applicant is requesting a zone map amendment from R-1 to C-1 for a .17 acre tract of land located on the north side of Bridge Boulevard between Abo Street and the Arenal Canal. The site is currently vacant and, if approved, the applicant anticipates developing the property into a tire repair and sales business.

Request Justification

The applicant contends that the existing zoning is inappropriate as there have been significant changes in neighborhood and community conditions since the original zoning that justify the requested zoning and land use change.

Surrounding Land Use and Zoning

The subject site is currently vacant and adjacent to R-1 zoning. To the west of the subject site exists one lot of R-1 zoning currently being utilized for a parking lot, followed by two lots of C-1 zoning operating a private club and followed by one lot of R-1 zoning with a Special Use Permit for a Mechanic Shop and watchman caretaker and operating an electric auto transmission shop. The lot adjacent to the north of the auto transmission shop is zoned R-1 with a Special Use Permit for a Duplex. To the north and east exist R-1 zoning developed as residential uses. To the south of Bridge Boulevard exists R-1 and M-H zoning, with a couple of Special Use Permits that include: (1) a mobile home park; and (2) a contractor's yard (operating in violation). The immediate area is developed primarily residential with the exception of a contractor's yard that currently parks two large commercial trucks.

The most currently zoning activity in the area is a request for a Special Use Permit for a contractor's yard located just south of the site at 2726 Bridge Boulevard (CSU-70033). This case is scheduled for the November 7, 2007 County Planning Commission and is a result of a Notice of Violation for the parking of commercial vehicles and conducting a commercial business in an unapproved zone. The previous Special Use Permit for a Contractor's Yard on this site expired on January 14, 1996 (CSU-92-43). The C-1 zoned lots to the west were approved by the Board of County Commissioners on April 18, 1978 (CZ-78-14).

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Developing/Established Urban Area as delineated in the Albuquerque/Bernalillo County Comprehensive Plan. The principal Goal for this area of the Comprehensive Plan is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment.

Policy a states that "The Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre."

Policy d states that “The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern.”

Policy e states, “New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be assured.

Policy I states that “Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

- . In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- . In larger area=wide shopping centers located at intersection of arterial streets and provided with access via mass transit; more than none shopping center should be allowed at an intersection only when transportation problems do not result.
- . In free-standing retailing and contiguous storefronts along streets in older neighborhoods.

Policy j states “Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more that one shopping center should be allowed at an intersection only when transportation problems do not result.
- In free standing retailing and contiguous storefronts along streets in older neighborhoods. “

Policy k states that, “Land adjacent to arterial shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation;”

Policy I states that “Quality and innovation in design shall be encouraged in all new development design shall be encouraged which is appropriate for the plan area.”

Policy m states “Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.”

Policy o states “Redevelopment and Rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

Southwest Area Plan (SWAP)

The site is located in Residential Area Five (5) of the Southwest Area Plan.

Policy 30(h) allows up to nine dwelling units per net acre in Residential Area Five (5), when city water and sewer services are available.

Policy 16 states that heavy industrial and commercial traffic shall be limited in village centers and residential areas to enhance residential stability, respect the history and integrity of the area, and promote neighborhood scale (CN zoning) economic development.

Policy 23 states that all development and subdivisions shall be required to limit the level of water runoff generated from new construction or paving in order to reduce velocity and volume of runoff, and to ensure the viability and capacity of down stream facilities.

Policy 26 states, "Mixed use development within C-N and C-1 zoning shall be encouraged within historic village centers and on Isleta Boulevard between Bridge and Camino del Valle, to allow owners to reside at their place of business.

Policy 29 states, "The County and City shall stabilize residential zoning and land use in the plan area."

Policy 34 states, "Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties."

Policy 45 states, "Encourage the location of newly developing neighborhood scale commercial and office use be within their defined village centers."

Policy 46 states, "Balance economic development and the quality of life for existing communities as well as for newly developed areas."

Policy 49 states, "Promote small-scale community commercial centers, which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate dollars within the area economy to enhance a community environment and meet retail, recreational and service needs of area residents."

Policy 50 states, "Emphasize job creation and expansion of employment opportunities for the residents of the Southwest Area Plan."

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

COUNTY PLANNING COMMISSION

January 9, 2008

CZ-70022

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

ANALYSIS:

Surrounding Land Use and Zoning

The subject site is currently vacant with R-1 zoning surrounding the site and primarily developed with residential dwellings. To the west of the subject site exist one lot (Lot 17) with R-1 zoning currently being utilized for a parking lot, followed by two lots (Lots 15 & 16) with C-1 zoning operating a private club, followed by one lot (Lot 14) with R-1 zoning that currently has a Special Use Permit for a Mechanic Shop and a mobile home for a watchman caretaker that is operating an electric auto transmission shop. The lot adjacent to the north of the auto transmission shop is zoned R-1 and currently has a Special Use Permit for a Duplex. To the north and east exist R-1 zoning developed residentially. To the south of Bridge Boulevard exists R-1 and M-H zoning, with a couple of Special Use Permits that include a mobile home park, a sign and a contractor's yard (operating in violation).

The establishment of the C-1 zoning to the west of the subject site occurred in 1978 and was preceded by the approval of a the Special Use Permit for a Mechanic Shop and mobile home for watchman caretaker occurring in 1969. Although there are a number special use permits within the vicinity of the subject site, the stability of the zoning has remained residential.

Plans

Albuquerque/Bernalillo County Comprehensive Plan

This site is located in the Established Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan. The principal goal for this area is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment..

Policy a and e of the Comprehensive Plan allows for a full range of urban land uses and that growth be accommodated through development in areas where vacant land is contiguous to existing programmed urban facilities. Consequently, Policy d, I and j calls for the design and new development to respect the existing neighborhood values, that employment and service uses be located to complement residential areas, and that new commercial development generally be located in existing commercially zoned areas.

This request does not appears to be consistent with these policies as the permissive uses allowed with this request may not respect the existing neighborhood values, may create adverse effects of noise, lighting, pollution, and traffic on the existing residential environment and that the area surrounding the subject is not an existing commercially zoned area.

Southwest Area Plan (Plan)

The Southwest Area Plan, Policy 29, calls for stabilizing residential zoning and land use in the Plan area. The subject site is predominately zoned R-1. Policy 49 and 50 of the Plan promote small-scale community commercial development and emphasizes job creation; however, Policy 45 encourages the location of newly developing neighborhood scale commercial and office uses be within their defined village centers. For informational purposes, this site is within the proposed Atrisco Sector Plan.

Zoning Ordinance

The Zoning Code defines the purpose of C-1 as to provide suitable sites for office, service, institutional, and limited commercial uses to satisfy the day to day-to-day needs of nearby residential areas and to minimize any adverse effect on nearby residential development. The permissive uses allowed under the C-1 zone designation may be detrimental to the surrounding residential property.

Agency Comments

The Public Works Division has noted that the subject site presents no apparent opportunity for a secondary access, a combined driveway or a frontage road and that a driveway permit would be required.

Analysis Summary

| Zoning | |
|-----------------------|--|
| Resolution 116-86 | This request is inconsistent with Resolution 116-16 in that the applicant has not demonstrated that the existing zoning is inappropriate. |
| Plans | |
| Comprehensive Plan | Conflicts with Policy d, l and j in that the permissive uses allowed may not respect the existing neighborhood values, may create adverse effects of noise, lighting, pollution, and traffic on the existing residential environment and the area surrounding the subject is not an existing commercially zoned area |
| Southwest Area Plan | Conflicts with Policy 45 in that the subject site is not located within a defined village center. |
| Other Requirements | |
| Environmental Health | Proof of water and sewer connections |
| Public Works Division | Driveway Permit |

Conclusion

Resolution 116-86 states that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the original zone map, changed neighborhood conditions exist which justifies a change in land use; or, a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.

The applicant has failed to demonstrate that the existing zoning is inappropriate. The site is currently zoned for residential development and is predominately surrounded with residential zoning. The existing C-1 zoned parcels (Lots 15 and 16) to the west, not adjacent to the subject site, appear to be the last known establishment of zoning that has occurred in this area since 1978. Although there are a number of Special Use Permits in the area, the existing residential zoning, R-1 and M-H, appears to be stabilized.

The request appears to be inconsistent with County land use plans and scenarios that suggest the stabilization of residential zoning and land uses which are primarily residential. In addition, the area surrounding the subject site is not an existing commercially zoned area or a defined village center as called for in the Comprehensive Plan and the Southwest Area Plan. In addition, the permissive uses allowed with this request may not respect the existing neighborhood values and may create adverse effects of noise, lighting, pollution, and traffic on the existing residential environment.

ADDITIONAL PLANNING DEPARTMENT COMMENTS (January 9, 2008):

This request was deferred from the November 7, 2007 County Planning Commission hearing at the request of the applicant.

RECOMMENDATION:

Denial of CZ-70022 based on the following Findings.

Adella Gallegos
Associate Program Planner

FINDINGS:

1. This is a request for a zone map amendment from R-1 to C-1 on Lot 18, Lucero Addition, located on the north side of Bridge Boulevard SW between Old Coors Road SW and Abo Street, approximately 70 feet west of Abo Street, and containing approximately .17 acres.
2. The property is located in the Established Urban Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Five (5) of the Southwest Area Plan.

COUNTY PLANNING COMMISSION

January 9, 2008

CZ-70022

3. This request conflicts with Resolution 116-86 in that the applicant has failed to demonstrate that the existing zoning is inappropriate.
4. The permissive uses allowed under the C-1 zone designation may be detrimental to the adjacent residential properties in that the request may create a detrimental adverse effect of noise, lighting, pollution, and traffic on the existing residential environment.
5. This request conflicts with the Albuquerque/Bernalillo County Comprehensive Plan, Policy j and the Southwest Area Plan, Policy 45, as these plans recommend that commercial development be located in commercial zoned areas and within their defined village centers. The request is not located within a village center or a commercially zoned area.
6. This request conflicts with the Southwest Area Plan in that Policy 29, which encourages the stabilization of residential zoning in the Plan. The surrounding area is predominately zoned residential.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

Water and sewer is available within the area. Upon development connect to municipal water and sewer and provide proof of connection to services to the Office of Environmental Health.

Fire: No comments received.

Zoning Administrator:

If approved, all development on the site is subject to the allowed uses and applicable standards of the c-1 zone (Section 14). No adverse comment for this request.

Zoning Enforcement Manager:

Based on the above comments there is no adverse comments at this time. No zoning violations.

Building Department Manager: No comments received.

Public Works:

DRAN:

A grading and drainage plan is required to be submitted and approved prior to development on this property.

DRE:

1. Bridge Boulevard is classified as a Principal Arterial.
2. The size of the subject parcel presents no apparent opportunity for a secondary access, a combined driveway or a frontage road.
3. Access to the site will required a driveway permit.
4. If the zone change is approved, a TIA may be required.

Parks & Recreation: No comments received.

Sheriff's: No comments received.

COMMENTS FROM OTHER AGENCIES

MRGCOG:

MPO staff has no comment on this particular project. For information purposes, Bridge Blvd. is classified a principal arterial.

COUNTY PLANNING COMMISSION

January 9, 2008

CZ-70022

AMAFCA: No comment.

City Planning Department/Development Services: No comments received.

City Open Space: City Open Space has no adverse comments.

Municipal Development Department:

Transp. Planning: No comments received.

Transp. Development: No adverse comments.

City Transit: No comments received.

ABCWUA/Utility Development Section: No comments received.

City Environmental Health: No comments received.

NM Department of Transportation:

No comments. The development will have no direct or significant impact on the State's transportation system.

Albuquerque Public School: This will have no adverse impacts on the APS District.

PNM: No comment based on the information provided.

NEIGHBORHOOD ASSOCIATIONS:

South Valley Alliance of Neighbors

South Valley Coalition of Neighborhood Associations

South Valley Alliance